

<p style="text-align: center;">Page 1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION CHARLENE CARTER,) Plaintiff,) VS.) CIVIL ACTION SOUTHWEST AIRLINES CO.,) NO.: 3:17-cv-02278-X AND TRANSPORT WORKERS) UNION OF AMERICA, LOCAL) 556,) Defendants.)</p> <p>----- VIDEOCONFERENCE ORAL DEPOSITION OF MELISSA BURDINE JUNE 28, 2022 -----</p> <p>VIDEOCONFERENCE ORAL DEPOSITION OF MELISSA BURDINE, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on June 28, 2022, from 4:32 p.m. to 5:42 p.m., via Zoom Videoconference, before Melody A. Monk, CSR in and for the State of Texas, reported by machine</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES 2 (All parties appearing via Zoom Videoconference) 3 FOR THE PLAINTIFF: 4 MATTHEW D. HILL 5 Pryor & Bruce 6 302 North San Jacinto Rockwall, Texas 75087 972.771.3933 7 Mhill@pryorandbruce.com 8 MATTHEW B. GILLIAM National Right to Work Legal Defense Foundation, Inc. 9 8001 Bradcock Road, Suite 600 10 Springfield, Virginia 22160 703.321.8510 11 Mbgb@nrtw.org 12 FOR THE DEFENDANT SOUTHWEST AIRLINES CO.: 13 BRIAN MORRIS 14 PAULO B. MCKEEBY Reed Smith 15 2850 North Harwood Street Suite 1500 16 Dallas, Texas 75201 Jmammone@reedsmit.com Pmckeeby@reedsmit.com 17 FOR THE DEFENDANT TRANSPORT WORKERS UNION OF 18 AMERICA: 19 EDWARD B. CLOUTMAN, III Law Offices of Edward Cloutman III 21 3301 Elm Street Dallas, Texas 75226 22 214.232.9015 Ecloutman@lawoffices.email 23 24 25</p> <p style="text-align: right;">Page 4</p> <p>1 shorthand, with the witness in Frisco, Texas, 2 pursuant to the Federal Rules of Civil Procedure, 3 and the provisions stated on the record or 4 attached hereto.</p> <p>5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>1 ADAM S. GREENFIELD 2 Cloutman & Greenfield, PLLC 3 3301 Elm Street Dallas, Texas 75226 4 Agreenfield@candglegal.com 5 ALSO PRESENT: 6 Charlene Carter 7 Lauren Armstrong Chris Maberry 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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1	INDEX PAGE	<p>1 introduce yourself for the jury?</p> <p>2 A. Yes, my name is Melissa Burdine, and I</p> <p>3 formerly served as a labor manager for Southwest</p> <p>4 Airlines.</p> <p>5 Q. When did you stop serving as a labor</p> <p>6 manager for Southwest Airlines?</p> <p>7 A. My last day with Southwest was</p> <p>8 September 30th of 2020.</p> <p>9 Q. Why did you leave?</p> <p>10 A. Due to -- Southwest offered some, like,</p> <p>11 packages, due to COVID, just due to overall</p> <p>12 performance and slowed business, I would say.</p> <p>13 Q. Okay. So did you voluntarily leave</p> <p>14 Southwest?</p> <p>15 A. I did.</p> <p>16 Q. Now, when you said "labor manager," is</p> <p>17 that another -- was that sometimes referred to as</p> <p>18 a labor relations manager?</p> <p>19 A. Yes. That is correct.</p> <p>20 Q. Is there any difference between those two</p> <p>21 titles?</p> <p>22 A. No.</p> <p>23 Q. What did you do as a labor relations</p> <p>24 manager?</p> <p>25 A. I did a number of things that included</p>
1	THE REPORTER: We are going on the	<p>support inflight -- first, I'll clarify that I</p> <p>2 supported inflight, the department inflight</p> <p>3 specifically, for Southwest Airlines' labor</p> <p>4 relations department. And with that, that means</p> <p>5 support base leaders with the review of</p> <p>6 terminations, disciplinary actions, work and</p> <p>7 conduct rules, contractual, you know, questions,</p> <p>8 concerns. Also within that role, I also attended</p> <p>9 Step 2 hearings, which was a part of the grievance</p> <p>10 or appeal process. And just to name a few. I, I</p> <p>11 would --</p> <p>12 Q. Okay.</p> <p>13 A. -- I would summarize it as such.</p> <p>14 Q. A couple of things I want to ask about in</p> <p>15 particular. One of the things that you did as a</p> <p>16 labor relations manager was to ensure that</p> <p>17 Southwest complied with the collective bargaining</p> <p>18 agreement, right?</p> <p>19 A. Yes, that is correct.</p> <p>20 Q. Another thing that you did as a labor</p> <p>21 relations manager is you regularly interacted with</p> <p>22 the union, right?</p> <p>23 A. What -- can you define regularly?</p> <p>24 Q. As part of your regular job, you would</p> <p>25 interact with the union?</p>

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<p>1 A. Yes. That would be an accurate statement.</p> <p>2 Q. And would you have discussions with the</p> <p>3 union about various topics?</p> <p>4 A. We would discuss grievances, appeals,</p> <p>5 contract interpretation, things of that nature.</p> <p>6 Q. And who at the union would you have these</p> <p>7 discussions with?</p> <p>8 A. It depended on who handled the case.</p> <p>9 Q. Okay. So would it be -- who handled the</p> <p>10 case, is that usually like a union representative</p> <p>11 or, or at what level are you dealing?</p> <p>12 A. I can't remember what level, to be honest</p> <p>13 with you. I -- there would be different -- just</p> <p>14 bear with me as I refresh my memory. They --</p> <p>15 there's different union reps that handled</p> <p>16 different grievances, so a lot of times they would</p> <p>17 be assigned to someone different every time. So</p> <p>18 whoever, whoever was assigned to, I guess, by the</p> <p>19 union, whoever was handling the case, that's</p> <p>20 typically who I would interact with.</p> <p>21 Q. Did you ever deal with Audrey Stone?</p> <p>22 A. Occasionally.</p> <p>23 Q. What would you deal with Audrey Stone</p> <p>24 about?</p> <p>25 A. It would be more in a group setting,</p>	<p>1 A. Can you repeat the question, sir?</p> <p>2 Q. Is your role as a labor relations manager</p> <p>3 that only once discipline had been decided you</p> <p>4 would deal with it?</p> <p>5 A. I would not describe it like that, no.</p> <p>6 Q. Okay. At what point would you become</p> <p>7 involved in employee discipline?</p> <p>8 A. Prior to the, prior to the issuance of</p> <p>9 discipline, typically, and I'm speaking in general</p> <p>10 terms.</p> <p>11 Q. Okay.</p> <p>12 A. Typically it really depends on the leader,</p> <p>13 to be honest with you. Some leaders will reach</p> <p>14 out when they're investigating a, a case. Some</p> <p>15 leaders will reach out once they've already had</p> <p>16 what we call the fact-finding meeting to try to</p> <p>17 determine what's the best recourse.</p> <p>18 Q. Do you get involved in those</p> <p>19 investigations?</p> <p>20 MR. MORRIS: Objection, vague and</p> <p>21 ambiguous.</p> <p>22 Q. You can answer.</p> <p>23 A. So on the -- with regard to fact-finding</p> <p>24 meetings and those -- like the investigations that</p> <p>25 happen prior to the termination, I, I guess</p>
<p style="text-align: center;">Page 10</p> <p>1 meaning Southwest Airlines and TWU 556 would have</p> <p>2 a meeting. It's a meeting, I believe, that was --</p> <p>3 that's enforced by the contract, if I recall</p> <p>4 correctly, to talk about open grievances and</p> <p>5 appeals, and so they would come with a list of</p> <p>6 specific cases to talk about. And that would be</p> <p>7 really my only exposure to Audrey Stone, would be</p> <p>8 through that process.</p> <p>9 Q. Did you have any personal interaction with</p> <p>10 Ms. Stone?</p> <p>11 A. No.</p> <p>12 Q. What -- and, and as, as a labor relations</p> <p>13 manager, what role did you have in employee</p> <p>14 discipline?</p> <p>15 A. I would collaborate with inflight base</p> <p>16 managers with Southwest Airlines to review higher</p> <p>17 level disciplines, such as terminations, 30-day</p> <p>18 suspensions.</p> <p>19 Q. So your role as labor relations manager is</p> <p>20 once the discipline had been decided, you would</p> <p>21 deal with it?</p> <p>22 MR. MORRIS: Objection, misstates</p> <p>23 testimony.</p> <p>24 Q. I'm just trying to understand. Is that</p> <p>25 accurate?</p>	<p style="text-align: center;">Page 12</p> <p>1 depending on what you mean by involvement. Like</p> <p>2 was I the hands-on investigator? Is that your</p> <p>3 question?</p> <p>4 Q. Well, that's a good, that's a good</p> <p>5 question. Did you, did you -- were you involved</p> <p>6 in any hands-on investigation of, of employee --</p> <p>7 of employees -- employee conduct to determine</p> <p>8 whether it merited discipline?</p> <p>9 A. In a general sense, I guess I would say</p> <p>10 I -- it would be more like I reviewed the</p> <p>11 investigation. So I would have reviewed the base</p> <p>12 leader's investigation that they conducted and,</p> <p>13 and this is, again, generally speaking. There</p> <p>14 would be times where additional questions may be</p> <p>15 asked or where we may have things that come up as</p> <p>16 a result of, of my review of their investigation,</p> <p>17 if you will.</p> <p>18 Q. But the base leader, they would handle the</p> <p>19 actual investigation; is that right?</p> <p>20 A. That's correct. I would say they --</p> <p>21 Q. Would --</p> <p>22 A. -- lead the investigation.</p> <p>23 Q. They would lead the investigation.</p> <p>24 Okay. And was employee relations also</p> <p>25 involved in those investigations?</p>

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<p>1 MR. MORRIS: Objection, vague and 2 ambiguous.</p> <p>3 You can, you can answer.</p> <p>4 A. Employee relations would be involved in 5 some investigations. It depends on what the case 6 is, yes. I would say they are very heavily 7 involved in the investigation, and if they are, 8 typically as a labor manager, I would also 9 collaborate with employee relations as well, prior 10 to any type of disciplinary action being decided 11 on.</p> <p>12 Q. Maureen Emlet?</p> <p>13 A. I'm sorry?</p> <p>14 THE REPORTER: I'm sorry, Matt, what 15 did you say?</p> <p>16 Q. Who is Maureen Emult?</p> <p>17 A. Maureen Emlet?</p> <p>18 Q. Emlet, yes, sorry.</p> <p>19 A. She was also a labor manager.</p> <p>20 Q. So she had the same job you did?</p> <p>21 A. She did.</p> <p>22 Q. Are there occasions where the two of you 23 would work together on the same issue?</p> <p>24 A. Yes.</p> <p>25 Q. And why would that happen?</p>	<p>1 A. There were social media -- some social 2 media videos of aborted babies, if I recall 3 correctly.</p> <p>4 Q. How did you come to review those?</p> <p>5 A. With Maureen Emlet.</p> <p>6 Q. Is Maureen Emlet who forwarded those to 7 you?</p> <p>8 A. No, we sat by side and watched them.</p> <p>9 Q. Why were you, why were you reviewing these 10 videos?</p> <p>11 A. As labor managers, we would often 12 collaborate on best practices. So if, if I had to 13 name something under typical circumstances, 14 because I don't remember like specifically what 15 our discussion was that day, that's how I would 16 have to answer it.</p> <p>17 Q. Do you recall anything that Ms. Emlet told 18 you about those videos?</p> <p>19 A. No, I do not.</p> <p>20 Q. Do you recall anything that Ms. Emlet told 21 you about Ms. Carter?</p> <p>22 A. No, I do not.</p> <p>23 Q. Do you recall anything that you might have 24 told Ms. Emlet about Ms. Carter?</p> <p>25 A. No, sir, I do not.</p>
<p>1 A. For a number of reasons. Our work was 2 collaborative. There would be times where Maureen 3 may work on a -- or maybe I work on a termination, 4 and she may end up taking the Step 2 hearing, just 5 depending on schedules, vacation time, 6 availability. We would typically try to keep each 7 other abreast of what's going on with our bases.</p> <p>8 Q. Who is Charlene Carter?</p> <p>9 A. Charlene was at the time a Southwest 10 Airlines flight attendant.</p> <p>11 Q. Did you have any role in her 12 investigation?</p> <p>13 A. To be honest, I don't remember.</p> <p>14 Q. You don't remember whether you were 15 involved in Ms. Carter's investigation at all?</p> <p>16 MR. MORRIS: Objection, asked and 17 answered.</p> <p>18 Q. You can answer.</p> <p>19 A. No, not that I remember. I do remember -- 20 one thing that I remember prior to Ms. Carter's 21 termination would be reviewing the, the videos, 22 but that's all I can remember in terms of 23 pretermination, my involvement.</p> <p>24 Q. Okay. When you say "the videos," what are 25 you talking about?</p>	<p>1 Q. And nothing about the videos?</p> <p>2 A. No, I do not recall any specific 3 information.</p> <p>4 Q. What was your reaction to the videos?</p> <p>5 A. I don't remember, to be honest with you.</p> <p>6 Q. Other than Ms. Emlet, is there anyone that 7 you communicated with about Charlene Carter?</p> <p>8 A. At what point?</p> <p>9 Q. Right now we'll talk about pretermination.</p> <p>10 A. I don't remember.</p> <p>11 Q. After her -- after Ms. Carter's 12 termination, was there anyone that you 13 communicated with about Charlene Carter?</p> <p>14 A. Yes.</p> <p>15 Q. Who?</p> <p>16 A. Mike Sims.</p> <p>17 Q. Anyone else?</p> <p>18 A. Currently that's the only person I, I 19 remember. If we're speaking about like between 20 the, I guess, the termination and the Step 2 21 hearing or maybe around that time, that's who I 22 remember talking to, would be Mike Sims. And, and 23 I really don't remember at what point, if that was 24 at the Step 2 hearing. But I do remember him 25 being at the Step 2 hearing.</p>

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<p>1 Q. Okay. Let me clarify one thing real 2 quick. You were a labor relations manager for 3 Southwest Airlines throughout the year 2017, 4 right?</p> <p>5 A. I believe so, yes.</p> <p>6 Q. Do you recall Mr. Sims' reaction to 7 Ms. Carter's testimony at the Step 2 hearing?</p> <p>8 A. And what do you mean by reaction?</p> <p>9 Q. Do you recall anything that he said to you 10 about her testimony?</p> <p>11 A. No, I do not.</p> <p>12 Q. Did you have any reaction to her testimony 13 at the Step 2 hearing?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Before Charlene Carter was terminated, did 16 you have any belief as to whether or not she 17 should be terminated?</p> <p>18 A. I don't remember, to be honest with you.</p> <p>19 Q. At -- after you attended the Step 2 20 hearing, did you have any belief as to whether 21 Ms. Carter should be terminated?</p> <p>22 A. I don't -- to be honest with you, I don't 23 remember what, what my belief may have been at the 24 time.</p> <p>25 Q. Okay. Have you ever talked to Ed</p>	<p>1 in remembering the, the circumstances of her 2 violation, I don't know that I would have said 3 that.</p> <p>4 Q. When you say "the circumstances of her 5 violation," what, what are those circumstances?</p> <p>6 A. Just the -- so if, if we can go back to 7 the -- just the termination, Ms. Carter, she had 8 sent very just graphic, egregious social media 9 posts to another flight attendant over and over 10 again. And so just in thinking about the 11 violation itself, and I believe that -- I'm trying 12 to remember. I believe that her violations may 13 have been -- and I, and I won't speak, you know, 14 adamantly, but I believe they may have been also 15 substantiated as harassment by employee relations. 16 And if so, I -- in my recommendations I do try my 17 best to be consistent in, in accordance with, you 18 know, work and conduct rules. So that's why I say 19 that I don't think I would have said I don't think 20 she should have been terminated.</p> <p>21 Q. The social media posts that you're, that 22 you're describing, are these posts that objected 23 to the union's role in supporting or promoting 24 abortion?</p> <p>25 A. I don't remember that.</p>
<p>1 Schneider about Charlene Carter?</p> <p>2 A. I don't remember.</p> <p>3 Q. What is the role of the labor relations 4 manager at the Step 2 hearing?</p> <p>5 A. We typically take notes on the --</p> <p>6 Q. Is that all?</p> <p>7 A. At the Step 2 hearing, yes.</p> <p>8 Q. Yes, ma'am.</p> <p>9 A. We, we can ask questions, if we have 10 questions, but typically we take notes.</p> <p>11 Q. So at Ms. Carter's Step 2 hearing, did you 12 have any questions?</p> <p>13 A. I don't remember.</p> <p>14 Q. Mike Sims says after that Step 2 hearing 15 he discussed Ms. Carter's situation with you and 16 that you agreed she should be terminated. Do you 17 recall that?</p> <p>18 A. I recall after the Step 2 hearing talking 19 to Mr. Sims. I don't remember the conversation.</p> <p>20 Q. Is it possible you told him that she 21 should be terminated?</p> <p>22 A. It is possible.</p> <p>23 Q. Is it possible you told him she shouldn't 24 be terminated?</p> <p>25 A. I would say anything is possible, but just</p>	<p>1 Q. You recall it was an aborted fetus that 2 you were looking at, right?</p> <p>3 A. I do recall that, uh-huh.</p> <p>4 Q. Do you recall why there was an aborted 5 fetus that she was sending?</p> <p>6 A. No.</p> <p>7 Q. In what context?</p> <p>8 A. I don't.</p> <p>9 Q. So your recollection is just she was 10 sending aborted fetuses, and you don't recall 11 anything else about the nature of her 12 communications?</p> <p>13 A. No, I don't think I do.</p> <p>14 Q. Do you believe that anything that 15 Ms. Carter did was unlawful?</p> <p>16 MR. MORRIS: Objection, calls for a 17 legal conclusion. Calls for speculation.</p> <p>18 You can, you can answer.</p> <p>19 A. I, I don't know the answer to that 20 question.</p> <p>21 Q. You don't have any opinion on whether 22 anything she did was unlawful, right?</p> <p>23 A. I, I don't know that any -- if anything 24 she did was unlawful.</p> <p>25 Q. You don't have any reason to believe that</p>

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<p style="text-align: right;">Page 21</p> <p>1 anything she did was unlawful, do you?</p> <p>2 MR. MORRIS: Same objection.</p> <p>3 You can answer.</p> <p>4 A. Are you asking if I currently think that</p> <p>5 or if, if that's what I thought --</p> <p>6 Q. If you ever had any, if you ever had any</p> <p>7 belief that anything that she did -- any, any</p> <p>8 reason to believe that anything she did might be</p> <p>9 unlawful?</p> <p>10 A. I don't -- honestly, I don't, I just don't</p> <p>11 remember. I -- there's -- I cannot, I cannot</p> <p>12 honestly testify today that I made any legal</p> <p>13 conclusions. That's not my, my, my expertise, I</p> <p>14 guess.</p> <p>15 Q. Unlawfulness was not a consideration in</p> <p>16 your supporting the recommendation to terminate</p> <p>17 Ms. Carter, right?</p> <p>18 A. I don't remember.</p> <p>19 Q. I'm going to direct your attention to a</p> <p>20 document. This is Exhibit 6.</p> <p>21 (Exhibit 6 marked).</p> <p>22 Q. And it is the collective bargaining</p> <p>23 agreement. I will scroll to the top so you can</p> <p>24 see the beginning of the document.</p> <p>25 Do you recognize this document?</p>	<p style="text-align: right;">Page 23</p> <p>1 Exhibit 119.</p> <p>2 (Exhibit 119 marked).</p> <p>3 Q. That's Trial Exhibit 119. Do you</p> <p>4 recognize this document?</p> <p>5 A. It appears to be an e-mail from me to Mike</p> <p>6 Sims.</p> <p>7 Q. And does that e-mail attach your notes</p> <p>8 from Charlene Carter's Step 2 hearing?</p> <p>9 A. I'm sorry, can you go back so I can finish</p> <p>10 reading the e-mail?</p> <p>11 Q. Sure.</p> <p>12 A. Okay. Thank you.</p> <p>13 Q. Does that e-mail forward to Mike Sims your</p> <p>14 notes from Charlene Carter's Step 2 hearing?</p> <p>15 A. That's what it states there, yes.</p> <p>16 Q. And then are these your notes that follow,</p> <p>17 attached to that e-mail?</p> <p>18 A. Those do look like my notes, yes.</p> <p>19 Q. You took notes during the meeting; is that</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. And then you sent this e-mail soon after</p> <p>23 the meeting, right?</p> <p>24 A. That is correct.</p> <p>25 Q. You were at that meeting and witnessed the</p>
<p style="text-align: right;">Page 22</p> <p>1 A. Yes.</p> <p>2 Q. Is that the collective bargaining</p> <p>3 agreement that was effective during 2017?</p> <p>4 A. Yes, it appears to be.</p> <p>5 Q. I'm going to direct you to Article I on</p> <p>6 nondiscrimination where it says: All employees</p> <p>7 shall be free to engage in lawful union activities</p> <p>8 or refrain from such activities.</p> <p>9 Do you see that?</p> <p>10 A. I do see that.</p> <p>11 Q. Now, you told us earlier one of your roles</p> <p>12 at Southwest was to ensure that the collective</p> <p>13 bargaining agreement was followed. Did you</p> <p>14 understand that as long as employees were engaging</p> <p>15 in lawful union activities, that, that they were</p> <p>16 not to be -- that they were not prohibited from</p> <p>17 doing that?</p> <p>18 MR. MORRIS: Objection, incomplete</p> <p>19 hypothetical.</p> <p>20 A. That's what the -- that's what it says in</p> <p>21 the contract.</p> <p>22 Q. And yet you didn't consider the</p> <p>23 unlawfulness in making your recommendation, right?</p> <p>24 A. I don't remember.</p> <p>25 Q. I want to direct your attention to</p>	<p style="text-align: right;">Page 24</p> <p>1 testimony?</p> <p>2 A. I did.</p> <p>3 Q. And this was a regular task of yours,</p> <p>4 preparing notes for Step 2 grievances and sending</p> <p>5 e-mails like this, right?</p> <p>6 A. Yes.</p> <p>7 Q. Who is Brian Talbert?</p> <p>8 A. I believe -- forgive me, because I'm --</p> <p>9 the name sounds familiar. I believe he might be a</p> <p>10 flight attendant.</p> <p>11 Q. He is or was.</p> <p>12 Did you become aware at some point</p> <p>13 that Mr. Talbert was pulling social media posts</p> <p>14 regarding certain flight attendants?</p> <p>15 A. Who?</p> <p>16 Q. Mr. Talbert, this flight attendant, was he</p> <p>17 pulling social media posts of other flight</p> <p>18 attendants?</p> <p>19 MR. MORRIS: Objection, calls for</p> <p>20 speculation.</p> <p>21 Q. The question is whether you ever learned</p> <p>22 of him doing that.</p> <p>23 A. I don't remember. I don't remember, to be</p> <p>24 honest with you.</p> <p>25 Q. Did you ever learn of anyone pulling</p>

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<p>1 social media posts of flight attendants as part of 2 any investigation?</p> <p>3 A. I do remember flight attendants would turn 4 in other flight attendants' social media posts, 5 yes.</p> <p>6 Q. Do you recall any specific incidents of 7 those?</p> <p>8 A. Not off the top of my head, although I do 9 know that that happened.</p> <p>10 Q. Okay. I want to direct your attention to 11 Exhibit 21, and Exhibit 21 includes a number of 12 documents.</p> <p>13 The page that I'm gonna direct you to 14 is labeled 5680, Southwest Airlines, SWA 5680. 15 And now I'll share the screen with you. 16 (Exhibit 21 marked).</p> <p>17 Q. So this e-mail from Julie O'Grady that's 18 then forwarded along to -- by, by Ms. Emlet, do 19 you recognize that e-mail?</p> <p>20 A. No.</p> <p>21 Q. Do you recall receiving that e-mail?</p> <p>22 A. No.</p> <p>23 Q. Who is Julie O'Grady?</p> <p>24 A. She was one of the employee relations 25 investigators.</p>	<p>1 no.</p> <p>2 Q. Do you recall anyone targeting union 3 objectors' social media posts?</p> <p>4 A. No, I do not.</p> <p>5 Q. If someone did that, would that be 6 appropriate?</p> <p>7 MR. MORRIS: Objection, incomplete 8 hypothetical, vague and ambiguous.</p> <p>9 A. I would, I would need more information.</p> <p>10 Q. Is it -- should Southwest's labor 11 relations department be investigating complaints 12 brought by flight attendants about other flight 13 attendants' social media based on the, the flight 14 attendants with the social media being union 15 objectors?</p> <p>16 THE REPORTER: I'm sorry, based on the 17 what, Matt?</p> <p>18 Q. Based on the, the flight attendants whose 19 social media is being reviewed being union 20 objectors.</p> <p>21 MR. MORRIS: Same objection.</p> <p>22 A. It's, it's hard to speak hypothetically, 23 Mr. Hill. But, generally speaking, I would -- as 24 a labor manager, if a social media post was turned 25 in to me, I -- in transparency, I don't recall a</p>
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<p>1 Q. Okay. Is there some function you have in 2 labor regulations that would make someone send to 3 you an e-mail about another employee's social 4 media posts?</p> <p>5 A. Can you repeat the question?</p> <p>6 Q. Is there something about your role in 7 labor relations that would make it make sense for 8 someone to send you an e-mail about employees' 9 social media posts?</p> <p>10 A. Yes, we would get messages like I, like I 11 explained earlier, where people would turn in -- 12 you know, flight attendants would turn in other 13 flight attendants' social media posts.</p> <p>14 Q. Okay. Were you aware of any, any 15 particular flight attendants targeting specific 16 groups of Southwest employees in, in retrieving 17 social media posts?</p> <p>18 A. No, not that I remember.</p> <p>19 Q. I'm going to direct your attention to 20 another e-mail. This is another e-mail that was 21 sent to you by Ms. O'Grady. And it's some 22 conclusions based on social media posts.</p> <p>23 Do you recall seeing this e-mail?</p> <p>24 A. I see the e-mail. I see that I'm copied 25 on the e-mail, but I don't remember the e-mail,</p>	<p>1 time where I would have ever gone to see or go to 2 research, you know, if you are a -- I think the 3 term you used was a union objector or not. I 4 would be looking at the social media post, the 5 content of the social media post, if it was sent 6 to another flight attendant, and if it violated 7 the work and conduct rules or the social media 8 policy, I believe it is -- what it was at the 9 time.</p> <p>10 Q. Okay. I want to direct your attention to 11 a different page of the same Exhibit 21. It's 12 Page 4483, the first page of the exhibit.</p> <p>13 And do you see that -- this e-mail 14 from Ms. O'Grady to a group of people, including 15 yourself?</p> <p>16 A. Can you -- oh, hold on. Let me move the 17 pictures here.</p> <p>18 Q. Yeah, there's a little button in the 19 pictures that you can push, the little minimize 20 button, and it makes it so that it just goes in 21 the corner and you can see.</p> <p>22 A. Oh, thank you. Can you scroll up just a 23 little bit?</p> <p>24 Q. Yes, ma'am.</p> <p>25 A. There you go. Okay. Thank you. Is there</p>

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<p>1 a way for me to zoom in on this? I appreciate 2 that. Thank you.</p> <p>3 Okay. Can you scroll down? Yeah, I 4 just -- I don't, I don't remember these exact 5 e-mails.</p> <p>6 Q. Do you remember anything about this 7 situation?</p> <p>8 A. No, I don't.</p> <p>9 Q. Okay. I'm going to direct your attention 10 to Trial Exhibit 40.</p> <p>11 (Exhibit 40 marked).</p> <p>12 Q. Do you recognize Trial Exhibit 40?</p> <p>13 A. That looks like a last-chance agreement 14 that I would have drafted during my tenure as a 15 labor relations manager.</p> <p>16 Q. Okay. And did this involve Charlene 17 Carter?</p> <p>18 A. Yes.</p> <p>19 Q. And let's be clear. So Ms. Carter was 20 terminated, right?</p> <p>21 A. Yes.</p> <p>22 Q. And then after the termination, there was 23 this Step 2 grievance hearing, right?</p> <p>24 A. Yes.</p> <p>25 Q. And after the Step 2 grievance hearing,</p>	<p>1 Q. You would have sent him a subsequent 2 e-mail about it?</p> <p>3 A. Uh-huh. I would have.</p> <p>4 Q. Okay.</p> <p>5 A. Well, to -- it's typical -- well, let me, 6 let me just say this. That's typical 7 circumstances, Mr. Hill. I would have sent him an 8 e-mail. It could have been a phone conversation. 9 I, I just -- I honestly don't remember. But, but 10 prior to drafting this last chance of -- 11 last-chance agreement, I would have had a 12 conversation with Mr. Sims prior to drafting this. 13 Does that make sense?</p> <p>14 Q. Okay.</p> <p>15 A. Does that help?</p> <p>16 Q. It does. And the fact that, that your 17 name's on this letter and it looks like one that 18 you drafted, does that, does that confirm to you 19 that you did indeed draft this last-chance 20 agreement?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So I want to talk to you about a 23 few things in the last-chance agreement.</p> <p>24 The last-chance agreement brings the 25 employee back into their position, but it does so</p>
Page 30	Page 32
<p>1 did Southwest make a decision to offer her this 2 last-chance agreement?</p> <p>3 A. I cannot -- just in transparency, I, I 4 cannot remember the conversations that, that 5 surrounded the last-chance agreement. So when you 6 say Southwest, I -- if I did draft the last-chance 7 agreement, then Mike Sims would have communicated 8 back to me that this was inflight's decision, to 9 offer the last-chance agreement.</p> <p>10 Q. Were you involved in the decision to issue 11 the last-chance agreement?</p> <p>12 A. I would have sent Mike Sims a, like a, a 13 recap of -- from the Step 2 hearing that would 14 have included my recommendation, but I don't 15 remember what that would have been at this time.</p> <p>16 Q. Is that the same as the notes we looked at 17 before on Exhibit 119?</p> <p>18 A. It referenced the notes that I sent him in 19 that e-mail that you just showed me. It said --</p> <p>20 Q. Yes, ma'am.</p> <p>21 A. It said in that e-mail, but I'll -- the 22 labor recap was to follow, that's what I was 23 talking about, would have been that -- the -- I 24 guess whatever e-mail I probably sent him after 25 that.</p>	<p>1 and makes them give up some rights, right?</p> <p>2 A. What kind of rights? What do you mean by 3 give up rights?</p> <p>4 Q. Well, let's talk about some of those 5 rights.</p> <p>6 And I'm gonna direct your attention to 7 this, this last-chance agreement that you drafted. 8 One of the things that it says is that as part of 9 her coming back, You will receive no back pay. 10 Do you see where that I have that 11 highlighted?</p> <p>12 A. Yes.</p> <p>13 Q. The second bullet? 14 So for all the time that she had been 15 out, she wouldn't get any compensation for that; 16 is that true?</p> <p>17 A. Yes. That's true.</p> <p>18 Q. All the pay that, that -- from the time 19 she was terminated until she accepted the 20 last-chance agreement, if she accepted it, it 21 would have been gone and she would not get that 22 back?</p> <p>23 A. If I recall correctly, just with all due 24 respect, I don't think she worked, but, yes, that 25 would be an accurate statement.</p>

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<p>1 Q. Well, she didn't work after she was 2 terminated, right? 3 A. During her tenure, she very rarely worked 4 while she was with -- while she was a flight 5 attendant. Flight attendants can give away their 6 trips that they're awarded. And like they have 7 this whole trip trade system, and if I recall 8 correctly, I believe Ms. Carter, again, with all 9 due respect, was one of those that would give away 10 all her trips and, and choose not to work. But 11 what you're saying is -- would be accurate if, I 12 guess if, if she, if she did work, because 13 there's, like a look-back period. I don't 14 remember exactly what that was for, for back pay, 15 back pay purposes, if you will. 16 Q. You -- 17 A. So -- 18 Q. There -- there's nothing you can tell us 19 that, that convinced you that Ms. Carter would not 20 have worked at any point during the time that she 21 was terminated, right? 22 A. Can you repeat the question? 23 Q. There's nothing, there's, there's nothing 24 that you can point to that makes you believe that 25 Ms. Carter wouldn't have done any work at all</p>	<p>1 their attendance is, things like that. 2 And so I just remember that she was, 3 she was one of those that just -- they -- she 4 would give her trips away. That doesn't reflect 5 negatively, that's her right. It's her 6 contractual right as a flight attendant. So I'm 7 just stating that I don't know that even if, even 8 if Mr. Sims made the decision to say, I'd like to 9 offer her back pay or if, if that came up, I don't 10 know what back pay could have been offered. 11 That's all I'm saying. 12 Q. Okay. Are there certain circumstances 13 where employees are offered back pay in connection 14 with a last-chance agreement? 15 A. To my recollection, it was very rare, 16 Mr. Hill, in my tenure. 17 Q. But in Ms. Carter's circumstances, you 18 didn't offer the back pay? 19 A. No. 20 Q. And if she wanted to recover back pay, she 21 couldn't accept the last-chance agreement, right? 22 A. I -- that's very hypothetical. It would 23 depend on the circumstances. She could -- there 24 were times where flight attendants would work 25 through their union rep to come back with a</p>
<p>1 during the time that she was terminated; is that 2 right? 3 A. I don't know that I understand the 4 question. 5 Q. I'm, I'm asking, is there anything that 6 you know that you can tell us about that makes you 7 believe that she wouldn't have done any work 8 during the time that she was terminated? 9 A. The days leading up to her termination. 10 Are you asking do I have, like, evidence of her 11 not working in the days leading up to her 12 termination? 13 Q. No, I'm asking, other than, other than the 14 fact -- other than your general knowledge of how 15 much she worked before, there's nothing you can 16 tell us that made -- that convinces you that she 17 wouldn't have done any work during that time, 18 right? 19 A. I'm, I'm just -- all I'm saying is that 20 I -- as a part of my, kind of my process back 21 then, I remember, in reviewing termination 22 grievances in preparation for the Step 2, or 23 sometimes it may be after the Step 2, I would look 24 at maybe the employee file, how often they worked, 25 you know, what their, would their tenure is, what</p>	<p>1 counteroffer, meaning, you know, will you consider 2 this if -- will you consider a last-chance 3 agreement that does include back pay, if you will. 4 So ... 5 Q. I'm only focused on what it is that you 6 actually offered her. In the offer that you made 7 her, you chose not to give her back pay, right? 8 A. No back pay was offered, that is correct. 9 Q. If she accepted the agreement, she 10 wouldn't -- if she accepted the agreement you 11 presented she wouldn't receive any pay for the 12 time that she was, she was terminated? 13 A. Assuming that this is the only agreement 14 that I drafted, looking at this agreement that we 15 have here on the screen, I would say that is an 16 accurate statement. She would not have received 17 back pay if she would have signed it. 18 Q. You're not aware of any other agreement 19 that you drafted for her, right? 20 A. Not that I recall, but, again, I, I, I 21 would draft these settlement agreements, and 22 sometimes they would change depending on, you 23 know, what the union may have negotiated on, on 24 the grievant's behalf. So I can't speak to her 25 specifically because I don't remember, but in</p>

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<p>1 looking at this one --</p> <p>2 Q. Yeah. Her --</p> <p>3 A. -- it's --</p> <p>4 Q. If she accepted this last-chance</p> <p>5 agreement, she would have also had to accept a</p> <p>6 30-day suspension, wouldn't she?</p> <p>7 A. That is the offer, that her termination</p> <p>8 would be reduced to a 30-day suspension.</p> <p>9 Q. In addition, and we'll -- I'll point your</p> <p>10 attention to a few bullet points down where I have</p> <p>11 another highlight. In addition, if she accepted</p> <p>12 this last-chance agreement: Any future violation</p> <p>13 of Southwest's bullying and hazing policy or</p> <p>14 social media policy or harassment, sexual</p> <p>15 harassment, discrimination retaliation policy</p> <p>16 would result in termination, right?</p> <p>17 A. That is what this agreement is offering,</p> <p>18 yes.</p> <p>19 Q. And, and this agreement would remain in</p> <p>20 her file for 24 months after she executed it,</p> <p>21 right?</p> <p>22 A. If she signed it.</p> <p>23 Q. And that could be used for future</p> <p>24 discipline consideration, right?</p> <p>25 A. What do you mean by used for future</p>	<p>1 A. -- have signed it, yes, that's what it</p> <p>2 says.</p> <p>3 Q. She could no longer get relief on that</p> <p>4 grievance; this is, this is it, this is all she</p> <p>5 gets, right?</p> <p>6 A. It looks like that's what it states. I, I</p> <p>7 mean, I feel like we're speaking hypothetically,</p> <p>8 but --</p> <p>9 Q. Well, we're just talking about the</p> <p>10 agreement that you drafted and gave to her and,</p> <p>11 and asked her to sign. And so I'm just wanting to</p> <p>12 make sure I understand what the agreement means,</p> <p>13 and I'm asking you to help me understand that.</p> <p>14 And so, finally, the last thing that she had to do</p> <p>15 in this part of the last-chance agreement is</p> <p>16 release all of her legal claims that she might</p> <p>17 have against Southwest, right?</p> <p>18 A. If she signed it, yes.</p> <p>19 Q. And, and in order, in order to be</p> <p>20 reinstated, she would have had to sign it, right?</p> <p>21 A. Yes. That is correct.</p> <p>22 Q. Okay. So attached to that last-chance</p> <p>23 agreement was this legal document, this</p> <p>24 confidential settlement and release of claims,</p> <p>25 right?</p>
<p style="text-align: center;">Page 38</p> <p>1 discipline?</p> <p>2 Q. Well, her file is what people used to, to</p> <p>3 evaluate whether or not a subsequent disciplinary</p> <p>4 action is reasonable, right?</p> <p>5 A. Again, that would be hypothetical. I --</p> <p>6 it could or could not be, yeah, it could or could</p> <p>7 not be reviewed if, if something came up again,</p> <p>8 hypothetically. I, I, I can't say explicitly,</p> <p>9 but, sure.</p> <p>10 Q. Part of accepting this last-chance</p> <p>11 agreement would have meant that her grievance was</p> <p>12 withdrawn and dismissed, right?</p> <p>13 A. Can you repeat that question?</p> <p>14 Q. Part of -- if, if Ms. Carter had accepted</p> <p>15 this last-chance agreement, her grievance would</p> <p>16 have withdrawn and dismissed, right?</p> <p>17 A. That's what it states.</p> <p>18 Q. So she couldn't have taken any further</p> <p>19 action based on her grievance, right?</p> <p>20 A. It would withdraw the grievance,</p> <p>21 meaning -- yes -- meaning that I guess it would no</p> <p>22 longer exist. It would have resolved the --</p> <p>23 Q. Right.</p> <p>24 A. -- grievance. Yes, if she would --</p> <p>25 Q. Yes.</p>	<p style="text-align: center;">Page 40</p> <p>1 A. Yes.</p> <p>2 Q. And if she wanted to accept the</p> <p>3 last-chance agreement, she also had to sign this</p> <p>4 document, right?</p> <p>5 A. Yes.</p> <p>6 Q. And you understood that document to</p> <p>7 release any claims that she might have against</p> <p>8 Southwest Airlines, didn't you, had she signed it?</p> <p>9 A. Yes.</p> <p>10 Q. And she had to sign this legal document in</p> <p>11 order to be reinstated to her job, too, didn't</p> <p>12 she?</p> <p>13 A. She didn't have to. No. I, I would not</p> <p>14 agree with that. I would just say that it was, it</p> <p>15 was her choice if, if she wanted to accept the</p> <p>16 last-chance agreement, she could -- that's most</p> <p>17 certainly her choice to do so, which would also</p> <p>18 come with the Exhibit A, the release of, release</p> <p>19 of claims, which is something that is typically</p> <p>20 offered as part of a last-chance agreement.</p> <p>21 Q. I think maybe you didn't understand my</p> <p>22 question. In order to be reinstated, she would</p> <p>23 have had to sign this legal document releasing all</p> <p>24 her claims, right?</p> <p>25 A. She -- no. She wouldn't have --</p>

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<p>1 Q. In order to be reinstated?</p> <p>2 A. No, she wouldn't have to sign it. Again,</p> <p>3 that's -- it's hypothetical. If the union or</p> <p>4 Charlene -- if there was a question about, you</p> <p>5 know, the, the release of claims, the Exhibit A, I</p> <p>6 think is what we would refer to it as, if she, if</p> <p>7 she wanted to negotiate or, or say, hey, can I</p> <p>8 sign the last-chance agreement without the release</p> <p>9 of claims, she could have asked for that. I don't</p> <p>10 remember if she did or not. And that would --</p> <p>11 that's not mandatory, if you will --</p> <p>12 Q. But that wasn't what you offered --</p> <p>13 A. -- but that's what was offered --</p> <p>14 Q. What, what, what you --</p> <p>15 A. -- as the --</p> <p>16 Q. -- offered her, the only way for her to be</p> <p>17 restated, based on what you offered her, was to</p> <p>18 sign this legal document releasing all her claims,</p> <p>19 right?</p> <p>20 A. Yes, that's what's offered. That was what</p> <p>21 was offered.</p> <p>22 Q. We're going to take a short break. I'm</p> <p>23 going to come in and -- come back and, and</p> <p>24 hopefully close out quickly.</p> <p>25 A. Okay.</p>	<p>1 if you can just bear with me. I'm -- I may not</p> <p>2 remember a hundred percent, but they would review</p> <p>3 different accommodations for employees due to like</p> <p>4 ADA disability, things like that. That's all I</p> <p>5 can think -- remember off the top of my head. I'm</p> <p>6 sorry.</p> <p>7 Q. Is that also known as the ACT team?</p> <p>8 A. Yes, it was, it was called the ACT team.</p> <p>9 Q. And did they -- would you have -- if</p> <p>10 someone said that they were discriminated against</p> <p>11 based on their religion, you wouldn't have sent</p> <p>12 them to that team, would you?</p> <p>13 MR. MORRIS: Objection, incomplete</p> <p>14 hypothetical.</p> <p>15 A. I don't remember, Mr. Hill. I -- I'm, I'm</p> <p>16 working in a different capacity now where the</p> <p>17 departments are structured a little different, so</p> <p>18 I can't remember exactly how it worked at, at</p> <p>19 Southwest Airlines. So I'm -- I really can't</p> <p>20 answer your question. I'm sorry. I don't, I</p> <p>21 don't remember.</p> <p>22 Q. You weren't aware of any role that the ACT</p> <p>23 team had with respect to religion, were you?</p> <p>24 A. I don't remember.</p> <p>25 Q. What did you do to prepare for this</p>
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<p>1 THE REPORTER: Off the record.</p> <p>2 (Recess).</p> <p>3 THE REPORTER: Back on the record.</p> <p>4 Q. Just a couple of more questions for you,</p> <p>5 Ms. Burdine.</p> <p>6 If someone told you that they had been</p> <p>7 discriminated against because of their religion,</p> <p>8 what would you tell them to do?</p> <p>9 MR. MORRIS: Objection, incomplete</p> <p>10 hypothetical.</p> <p>11 A. I -- discriminated against because of</p> <p>12 their religion?</p> <p>13 Q. Yes.</p> <p>14 A. If, if it was a current employee, I would</p> <p>15 -- trying to remember the, the Southwest Airlines</p> <p>16 process. So bear with me. I believe I would</p> <p>17 refer them to employee relations for an</p> <p>18 investigation. I may even -- yeah, hypothetically</p> <p>19 speaking, I would refer it for an investigation</p> <p>20 for, for an employee, yes.</p> <p>21 Q. Do you know what the accommodations and</p> <p>22 career transition team is?</p> <p>23 A. Yes.</p> <p>24 Q. What is that?</p> <p>25 A. That team at Southwest Airlines would --</p>	<p>1 deposition?</p> <p>2 A. I had a call with the attorney, Brian</p> <p>3 Morris, and Paulo.</p> <p>4 Q. And what did you discuss on that call?</p> <p>5 MR. MORRIS: I'm going to object.</p> <p>6 That calls for privileged communications.</p> <p>7 Instruct the witness --</p> <p>8 MR. HILL: You instruct on that</p> <p>9 privilege?</p> <p>10 MR. MORRIS: -- not to answer.</p> <p>11 THE REPORTER: I'm sorry, Mr. Morris,</p> <p>12 what did you say?</p> <p>13 MR. MORRIS: Sure. I objected as it</p> <p>14 calls for privileged communications and I will</p> <p>15 instruct the witness not to answer.</p> <p>16 Q. Did you review any documents in</p> <p>17 preparation for this deposition?</p> <p>18 A. Yes.</p> <p>19 Q. What did you review?</p> <p>20 A. The Step 2 notes that you showed me on the</p> <p>21 screen.</p> <p>22 Q. Anything else?</p> <p>23 A. I'm trying to remember. There may have</p> <p>24 been another document, but I'm -- I -- gosh, this</p> <p>25 is escaping me.</p>

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<p>1 Q. If there was another document, you don't 2 know what it is?</p> <p>3 A. Gosh, I'm sorry. My -- I just, I just 4 drew a blank. I reviewed the Step 2 notes from 5 2017, and, gosh, why am I drawing a blank. There 6 was something else provided, but I don't remember 7 what it was.</p> <p>8 Q. Okay. Are you, are you going to be in 9 town during the weeks of July 5th and July 11th?</p> <p>10 A. I'll be out of town a portion of that. 11 And then the latter part of the week, I will -- 12 I'll be in town, but I do have some, some other 13 child care obligations that I've committed to.</p> <p>14 Q. Okay. Whose child?</p> <p>15 A. Well, I -- my sister's, in short.</p> <p>16 Q. Okay. And, and your travel, when are you 17 going to be traveling?</p> <p>18 A. I will be traveling starting tomorrow. 19 And I will be back in town on the 5th, which is 20 actually on my way back, I'll be getting my, my 21 niece.</p> <p>22 Q. Okay.</p> <p>23 A. She's in my --</p> <p>24 Q. Is there -- your sister's daughter?</p> <p>25 A. Uh-huh, that's right.</p>	<p>1 deposition?</p> <p>2 A. No.</p> <p>3 Q. We had a break a few minutes ago, and I 4 think your lawyers are gonna say something, so 5 give them a chance to do so. Did you meet -- did, 6 did you speak with anyone during the break that we 7 had a few minutes ago?</p> <p>8 A. Like who? Like my husband or -- no.</p> <p>9 Q. Anyone.</p> <p>10 A. No.</p> <p>11 Q. You didn't speak with any of the attorneys 12 either?</p> <p>13 A. No.</p> <p>14 MR. HILL: I don't have anything 15 further.</p> <p>16 MR. MORRIS: Okay. I don't, I don't 17 have any questions.</p> <p>18 MR. GREENFIELD: Adam Greenfield 19 speaking, I have a few.</p> <p style="text-align: center;">EXAMINATION</p> <p>20 BY MR. GREENFIELD:</p> <p>22 Q. Hi, Ms. Burdine. My name is Adam 23 Greenfield, and I'm one of the attorneys 24 representing TWU Local 556 in this matter. 25 Can you hear me all right?</p>
<p>1 Q. And how long will the niece be staying 2 with you?</p> <p>3 A. The whole week.</p> <p>4 Q. The whole week of July 5th?</p> <p>5 A. Yes, the whole week -- it's undetermined 6 if she's gonna need me to keep her through that 7 mid next week or if, if I'll be taking her back.</p> <p>8 Q. Is there anyone else available to care for 9 your niece during that week?</p> <p>10 A. No.</p> <p>11 Q. And in the following week, is there anyone 12 else available to care for your niece, the week of 13 July 11th?</p> <p>14 A. Not while I have her, no.</p> <p>15 Q. But you may not have her during that week?</p> <p>16 A. That part hasn't been a hundred percent 17 nailed down yet in terms of, you know, am I gonna 18 keep her through, through the, the first half of 19 that week or if I'm taking her back on the 20 weekend. But currently, tentatively, I may be 21 taking her back on the 12th.</p> <p>22 Q. Did you receive a subpoena for trial on 23 the 5th?</p> <p>24 A. No, I did not.</p> <p>25 Q. Did you receive a subpoena for this</p>	<p>1 A. I can.</p> <p>2 Q. Do you understand who I am and who I 3 represent?</p> <p>4 A. Yes, I do.</p> <p>5 Q. Okay. To give you a little bit of 6 background, Charlene Carter is alleging as part of 7 this lawsuit that Southwest Airlines and the union 8 worked together to get Ms. Carter fired from her 9 job as a flight attendant. You understand that?</p> <p>10 A. I hear what you're saying, yes. I 11 understand what you're saying. I don't agree.</p> <p>12 Q. Okay. You don't agree?</p> <p>13 A. No, I do not agree.</p> <p>14 Q. Okay. Can the union tell you how to 15 discipline an employee?</p> <p>16 A. No.</p> <p>17 Q. Can the union tell anyone at Southwest 18 Airlines how to discipline employees?</p> <p>19 A. Well, can I, can I say the union can tell 20 us respectfully what, what they believe is 21 appropriate, but we make our decisions on, on our 22 own within Southwest Airlines' inflight leadership 23 and, of course, the, the labor relations department.</p> <p>24 Q. Sure. And when you say that, are, are you</p>

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<p>1 referring to the union advocating on behalf of the 2 employees' behalf as part of the Step 1, Step 2, 3 and potential arbitration process?</p> <p>4 A. Any, any official forms of grievances, 5 grievance matters, that would be what I'm, what 6 I'm speaking to, yes.</p> <p>7 Q. Okay. And, and did anyone at the union 8 ever try to pressure you into any recommendation 9 you made about Southwest Airlines' ultimate 10 decision to fire Charlene Carter?</p> <p>11 A. No, not that I recall.</p> <p>12 Q. Okay. And to your knowledge, did anyone 13 at the union have any influence over the decision 14 to fire Charlene Carter?</p> <p>15 A. Not that I am aware, no.</p> <p>16 Q. Okay. And to your knowledge, are, are you 17 aware of anyone at the union having any say or 18 influence on Southwest Airlines' decision to 19 discipline or terminate any flight attendant?</p> <p>20 A. No.</p> <p>21 Q. Did the union negotiate on Ms. Carter's 22 behalf to reduce her termination to a 30-day 23 suspension?</p> <p>24 A. I don't remember explicitly, but typically 25 that can happen, yes, as a part of grievance, and</p>	<p>1 would be some of the communications that we would 2 have through the, the official channel.</p> <p>3 Q. Thank you.</p> <p>4 And did the union represent Ms. Carter 5 at her Step 2 hearing?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And, and do you remember who did 8 that?</p> <p>9 A. I -- again, I did see the Step 2 notes, 10 and it -- according to the notes, it said it was 11 Becky Parker, and I believe Beth Ross may have 12 also been there.</p> <p>13 Q. Okay.</p> <p>14 A. I, I -- there were two, there were two 15 representatives, which is pretty standard. 16 Sometimes there's one, but typically there's two.</p> <p>17 Q. Okay. And the last-chance agreement was 18 offered after the conclusion of the Step 2 19 hearing; is that correct?</p> <p>20 A. Yes. It was after the Step 2 hearing. So 21 the -- whoever is the designee, in this case, it 22 was Mike Sims, he would have ten days to make a 23 decision and, and respond. And so ...</p> <p>24 Q. Okay.</p> <p>25 A. That would be following Step 2 hearing.</p>
<p style="text-align: center;">Page 50</p> <p>1 it can --</p> <p>2 Q. Can you -- I'm sorry. Can you explain 3 that process a little bit, how, how that would, 4 how that would play out after, let's say, a Step 2 5 hearing?</p> <p>6 A. Yes. And I, I don't want to, I don't want 7 to draw a picture that this happened in 8 Ms. Carter's case because I just -- I honestly 9 don't remember all those conversations, but in, in 10 typical circumstances, I -- following the Step 2 11 hearing, a number of things could happen. It's 12 not really cookie cutter, but typically we'll hear 13 from the union, sometimes they want to provide 14 additional documents that the grievant may have 15 provided them. They may have talked to the 16 grievant about any, you know, settlement offers 17 that we made. They may ask for something 18 different. I mean, just general grievance talk, 19 if you will, if they have newer, additional 20 information, sometimes they may reach out, but, 21 again, that's -- I'm, I'm speaking in more like 22 typical terms.</p> <p>23 Those grievance meetings that I 24 referenced earlier, sometimes things will come up 25 again. You know, off the top of my head that</p>	<p style="text-align: center;">Page 52</p> <p>1 MR. GREENFIELD: I have no more 2 questions for you. Thank you so much.</p> <p>3 MR. HILL: I have a couple of 4 follow-ups on that.</p> <p>5 EXAMINATION</p> <p>6 BY MR. HILL:</p> <p>7 Q. You said the union didn't push for 8 terminations of employees, I believe. Are you 9 aware that in this case Audrey Stone is the one 10 who made the report regarding Ms. Carter?</p> <p>11 A. I am aware of that.</p> <p>12 Q. And so in this case, the union did make a 13 report seeking discipline of an employee, right?</p> <p>14 MR. GREENFIELD: Objection, form.</p> <p>15 MR. MORRIS: Objection, misstates 16 testimony.</p> <p>17 A. I -- I'm answering the question, right?</p> <p>18 I, I don't know what Audrey Stone 19 thought when, when she sent us the post. Audrey 20 Stone was a flight attendant, and as I mentioned 21 before, we would often get flight attendants that 22 would turn in other flight attendants. And I 23 really can't speculate what they think might 24 happen. The -- from my standpoint, I would review 25 whatever was submitted and see if it violated our</p>

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<p>1 policies, work and conduct rules, and things like 2 -- of that nature.</p> <p>3 Q. You understood that Ms. Stone was the 4 union president, right?</p> <p>5 A. Yes, I do know that Ms. Stone was the 6 union president.</p> <p>7 Q. And you understood that she was filing a 8 report on one of the employees that was 9 represented by the union, even though she was not 10 a union member, right?</p> <p>11 A. What do you mean by filing a report? You 12 mean --</p> <p>13 Q. She --</p> <p>14 A. -- when she turned in the, the messages?</p> <p>15 Q. That's right.</p> <p>16 A. I, I do understand that she was a flight 17 attendant who was currently acting as the 18 president. And she did turn in another flight 19 attendant that, that was sending messages.</p> <p>20 Q. Okay. You talked about what happens 21 generally after Step 2 hearings where the union 22 might provide additional information and seek less 23 punishment. Are you aware that that happened in 24 Ms. Carter's case?</p> <p>25 A. I -- honestly, I can't remember.</p>	<p>1 members typically advocate for the, the flight 2 attendant. I'm trying to remember if the notes 3 stated whether or not, you know, there was -- if, 4 if they provide any, any explanations on 5 Ms. Carter's behalf. We could probably review 6 those real quick if you'd like, but ...</p> <p>7 Q. Sitting here, you're not aware of anything 8 they did?</p> <p>9 A. I'm sorry?</p> <p>10 Q. Sitting here, you're not aware of anything 11 they did, right --</p> <p>12 MR. GREENFIELD: Objection, form.</p> <p>13 Q. -- to seek less punishment?</p> <p>14 A. I just don't remember. I, I don't 15 remember if they did or did not. But they --</p> <p>16 MR. HILL: I don't have anything 17 further.</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. MORRIS: All right. I don't have 20 any questions.</p> <p>21 THE REPORTER: Okay. Signature? Do 22 you want her to read and sign?</p> <p>23 MR. HILL: Brian?</p> <p>24 MR. MORRIS: Sorry. Excuse me, I 25 didn't quite understand that. What was that?</p>
<p style="text-align: center;">Page 54</p> <p>1 Q. Okay. So what -- you, you weren't 2 testifying that that happened with Ms. Carter?</p> <p>3 A. I was not. I was saying in -- this isn't, 4 this isn't cookie cutter. This isn't what 5 happened every time, happens in every case, but 6 that can happen, yes.</p> <p>7 Q. If it didn't happen with Ms. Carter, the 8 union was not acting as proactively as they do on 9 behalf of some other union members, right?</p> <p>10 MR. GREENFIELD: Objection, form.</p> <p>11 A. I, I really can't say what the union ...</p> <p>12 Q. Maybe there's a better way to ask this.</p> <p>13 A. I can't say what they did or didn't do. I 14 really can't even remember if, if -- you know, 15 what the conversations were after Ms. Carter's 16 termination and subsequent to the Step 2 hearing. 17 They may or may not have reached out. I, I just 18 honestly don't remember.</p> <p>19 Q. The union sometimes pushes for less 20 punishment after the Step 2 hearing, right?</p> <p>21 A. Yes. That is.</p> <p>22 Q. And it did, and it did -- and, and, to 23 your knowledge, you don't remember if they did 24 that here?</p> <p>25 A. Well, in the Step 2 hearing, the union</p>	<p style="text-align: center;">Page 56</p> <p>1 MR. MCKEEBY: Yes, read and sign.</p> <p>2 THE REPORTER: Do you want her to read 3 and sign?</p> <p>4 MR. MCKEEBY: Yes.</p> <p>5 MR. MORRIS: Yes.</p> <p>6 THE REPORTER: Does anyone want to 7 purchase a copy?</p> <p>8 MR. MCKEEBY: A condensed, same as the 9 others.</p> <p>10 MR. GREENFIELD: Same for the union. (Deposition concluded at 5:42 p.m.)</p>

<p style="text-align: center;">Page 57</p> <p>1 CHANGES AND SIGNATURE 2 WITNESS NAME: MELISSA BURDINE DATE: JUNE 28, 2022 3 PAGELINE CHANGE REASON 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>	<p style="text-align: center;">Page 59</p> <p>1 consideration therein expressed. 2 Given under my hand and seal of office 3 this _____ day of _____, 4 _____. 5 6 7 8 NOTARY PUBLIC IN AND FOR 9 THE STATE OF _____ 10 COMMISSION EXPIRES: _____ 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: center;">Page 58</p> <p>1 2 3 I, MELISSA BURDINE, have read the 4 foregoing deposition and hereby affix my signature 5 that same is true and correct, except as noted 6 above. 7 8 9 10 11 MELISSA BURDINE 12 13 14 15 THE STATE OF _____ 16 COUNTY OF _____ 17 18 Before me, _____, on 19 this day personally appeared MELISSA BURDINE, 20 known to me (or proved to me under oath or through 21 _____) (description of 22 identity card or other document)) to be the person 23 whose name is subscribed to the foregoing 24 instrument and acknowledged to me that they 25 executed the same for the purposes and</p>	<p style="text-align: center;">Page 60</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF TEXAS 3 DALLAS DIVISION 4 CHARLENE CARTER,) 5 Plaintiff,) 6 VS.) CIVIL ACTION 7) NO.: 3:17-cv-02278-X 8 SOUTHWEST AIRLINES CO.,) 9 AND TRANSPORT WORKERS) 10 UNION OF AMERICA, LOCAL) 11 556,) 12 Defendant.) 13 14 15 REPORTER'S CERTIFICATION 16 DEPOSITION OF MELISSA BURDINE 17 JUNE 28, 2022 18 19 I, Melody A. Monk, Certified Shorthand 20 Reporter in and for the State of Texas, hereby 21 certify to the following: 22 That the witness, MELISSA BURDINE, was duly 23 sworn by the officer and that the transcript of 24 the oral deposition is a true record of the 25 testimony given by the witness; That the deposition transcript was submitted on July 1, 2022 to the witness or to the attorney for the witness for examination, signature and return to me by August 1, 2022;</p>

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<p>1 That the amount of time used by each party at 2 the deposition is as follows: 3 MATT HILL....00 HOUR(S):58 MINUTE(S) ADAM GREENFIELD....00 HOUR(S):05 MINUTE(S)</p> <p>4 That pursuant to information given to the 5 deposition officer at the time said testimony was 6 taken, the following includes counsel for all 7 parties of record: 8 FOR THE PLAINTIFF: 9 MATTHEW D. HILL Pryor & Bruce 10 302 North San Jacinto Rockwall, Texas 75087 11 972.771.3933 Mhill@pryorandbruce.com</p> <p>12 MATTHEW B. GILLIAM National Right to Work Legal Defense Foundation, Inc. 13 8001 Braddock Road, Suite 600 Springfield, Virginia 22160 14 703.321.8510 Mbg@nrtw.org</p> <p>15 FOR THE DEFENDANT SOUTHWEST AIRLINES CO.: 16 BRIAN MORRIS PAULO B. MCKEEBY Reed Smith 17 2850 North Harwood Street Suite 1500 Dallas, Texas 75201 18 Jmammone@reedsmit.com Pmckeeby@reedsmit.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Texas CSR No. 3613 Expiration Date: 10/21/2022</p> <p>2 MELODY MONK REPORTING Firm Registration No. 10821 1999 McKinney Avenue, No. 1404 4 Dallas, Texas 75201 888.988.5317 (phone and fax)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 FOR THE DEFENDANT TRANSPORT WORKERS UNION OF AMERICA:</p> <p>2 EDWARD B. CLOUTMAN, III Law Offices of Edward Cloutman III 3301 Elm Street 4 Dallas, Texas 75226 214.232.9015 5 Ecloutman@lawoffices.email</p> <p>6</p> <p>7 ADAM S. GREENFIELD Cloutman & Greenfield, PLLC 8 3301 Elm Street Dallas, Texas 75226 9 Agreefield@candglegal.com</p> <p>10</p> <p>11 That \$_____ is the deposition officer's 12 charges to the Plaintiff for preparing the 13 original deposition transcript and any copies of 14 exhibits;</p> <p>15 I further certify that I am neither counsel 16 for, related to, nor employed by any of the 17 parties or attorneys in the action in which this 18 proceeding was taken, and further that I am not 19 financially or otherwise interested in the outcome 20 of the action.</p> <p>21 Certified to by me this 30th day of June, 22 2022.</p> <p>23</p> <p>24</p> <p>25</p>  	

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